IN THE HIGH OF UTTARANCHAL AT NAINITAL

Writ Petition No. 823(M/B) 2003

Tibetans SOS- Vocational
Training Center through its
Director Mr. Tashi Tsering
P.O.Selakui, Distt. Dehradun ……. Petitioner

Versus
Regional Provident Fund Commissioner,
and one another. ……. Respondents

Mr. Arvind Vashishtha, Advocate for the petitioner
Mr. Ramji Srivastava, Advocate for the State.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 05.09.2003:

PC:

By show cause notice dated 21.06.2003, Regional Provident Fund Commissioner has called upon the petitioner to show cause as to why he is not covered by the provisions of Employees Provident Fund Act, 1952. Till date, show cause notice has not been replied. Therefore, we are directing, the petitioner to reply to the show cause notice within four weeks from today. On receipt of the reply Regional Provident Fund Commissioner will hear and decide the petitioner's claim for non-inclusion in the Act in accordance with law, within a period of four weeks from the date of receipt of reply by the petitioner. Till then, no recovery should be made. However, if the Regional Provident Fund Commissioner comes to the conclusion that the petitioner's institution stands covered. By the Act, then he may pass the order in accordance with law. If, the order is against the petitioner, the petitioner may move appeal to the Tribunal subject to the compliance of the provisions of the Act.

Petition is disposed of.

(Rajesh Tandon,J.) **(S.H. Kapadia, C.J.)**

AK.